

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

ELROY W. BROWNING,

Plaintiff,

v.

JEANNE WOODFORD, et al.,

Defendants.

CASE NO. 1:05-CV-00342-AWI-LJO-P

ORDER DENYING PLAINTIFF'S MOTION  
FOR REASONABLE EXPENSES INCURRED  
IN FILING MOTION TO COMPEL

(Doc. 51)

Plaintiff Elroy W. Browning ("plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On April 19, 2006, plaintiff filed a motion to compel defendant Lopez ("defendant") to respond to his request for the production of documents and for the payment of reasonable expenses in the amount of \$16.35. (Doc. 41.) Defendant filed a statement of non-opposition to plaintiff's motion to compel on May 1, 2006, and plaintiff filed a reply on May 12, 2006. (Docs. 47, 49.) On May 31, 2006, the court issued an order denying plaintiff's motion to compel a response to his document request as moot, and ordering plaintiff to file a declaration setting forth the reasonable expenses he incurred in preparing and filing the motion to compel within thirty days. (Doc. 51.) On June 14, 2006, plaintiff filed a response to the court's order regarding reasonable expenses. (Doc. 52.) On June 22, 2006, following review of plaintiff's response, the court notified plaintiff that he had not filed a declaration and had not separately set forth the costs incurred, as required by the court in its May 31 order. (Doc. 53.) The court ordered plaintiff to file a declaration setting forth the costs incurred in filing his motion to

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1 compel, in compliance with the court's order of May 31, 2006. (Id.) Plaintiff filed a response on  
2 July 17, 2006. (Doc. 55.) Defendant did not file a response.

3 Plaintiff's second response is also deficient. The court has twice notified plaintiff of the  
4 requirement that he file a declaration setting forth the expenses incurred from filing his motion to  
5 compel. Twice plaintiff has submitted a response that is not in compliance with the court's order.

6 Accordingly, because the basis for plaintiff's request for reasonable expenses in the amount  
7 of \$16.35 was not clear in his motion to compel, and because plaintiff has failed to comply with the  
8 court's orders of May 31, 2006, and June 22, 2006, to clarify the basis for his request and support  
9 his request with a declaration, plaintiff's motion seeking reasonable expenses incurred from filing  
10 his motion to compel, filed April 19, 2006, is HEREBY DENIED.

11  
12 IT IS SO ORDERED.

13 **Dated:** August 16, 2006  
14 b9ed48

/s/ Lawrence J. O'Neill  
UNITED STATES MAGISTRATE JUDGE